

OPERATION OF PRESENT IMMIGRATION LAW

A STATEMENT

IN REGARD TO THE OPERATION OF THE
PRESENT IMMIGRATION LAW PREPARED
BY THE RETIRING COMMISSIONER
GENERAL OF IMMIGRATION



PRESENTED BY MR. LODGE

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The present immigration law has but little effect in reducing or checking the great influx of aliens. In fact it scarcely excludes any except those who are afflicted with serious mental or physical defects. Indeed, if it were not for the few debarred on these grounds, and the occasional contract laborer, anarchist, criminal, or immoral person turned back, the effect of the law would be almost negligible. Notwithstanding the mandatory provisions of the law, it has been difficult in the past to deport even when the aliens are mentally or physically defective. It has become customary for friends or philanthropic societies to appeal in behalf of rejected aliens, and in taking such appeals little or no consideration is given to the merits of the cases, the desire being in any event to land the alien. The endeavors of all parties concerned are frequently directed toward persuading the department that the boards of special inquiry (composed in each instance of three experienced immigrant inspectors, who personally examine and observe the aliens and their witnesses) and the public health surgeons (doctors of training and experience whose only interest, of course, is to perform their duty) are mistaken in their conclusions, and in the event of their failure to have the aliens landed, writs of habeas corpus are sought in an effort to have the courts set aside the decision of the administrative officers.

During the fiscal year ended June 30, 1912, 1,033,212 aliens applied for admission, of whom only 1.4 per cent were excluded for all causes. Present indications are that for the fiscal year ending June 30, 1913, there will be approximately 1,375,000 applicants for admission and that the percentage of exclusions will not exceed that of the previous year. This great influx, composed largely of unskilled laborers, undoubtedly is due largely to the activities of ticket agents and others, who solicit and induce aliens to migrate.

Notwithstanding the small percentage of rejections, there are those who constantly criticize the Immigration Service on every conceivable ground, even to the extent of asserting that the law is being so enforced as to reduce the labor supply at a time when there is a great demand for labor, especially in connection with agricultural pursuits. Much of this criticism is not honest; such as is honest is usually based upon ignorance of the law and conditions. Thus those who say the farm-labor supply is being interfered with seem to assume that immigrants from southern and eastern Europe go on the farms, whereas practically none of them do, although they may have been farm laborers in their native countries. As a matter of fact, over 80 per cent of the immigrants of to-day come from southern and eastern Europe or western Asia, and very few of these have any intention of performing or could be induced to perform farm work in the

United States, and in the main dependence must be had upon the 18 or 20 per cent from northern or western Europe for the farmers' labor supply, so far as it can be expected to come from overseas. What the bulk of these aliens do is either to enter unskilled city occupations or engage in common labor in manufacturing, mining, or construction work. As a matter of fact, our immigration is poorly assorted in the industrial sense, and unquestionably it is having a disastrous effect on American unskilled labor.

It being obvious that the existing law is not sufficient to meet the serious situation from an economic point of view, growing out of the fact that about 80 per cent of our immigration is composed of aliens belonging to races not of the same stock as the original settlers or the voluntary immigration previous to 25 years ago, it would seem to be incumbent upon Congress to adopt an immigration measure that will be sufficient.

The Burnett-Dillingham bill, passed at the last session of Congress, but vetoed by President Taft, was an excellent measure, not only in the improvements it would have effected in the administrative features of the law, but because it contained the illiteracy test, a provision that would have gone a long way toward reducing the economically undesirable portion of our immigration.

Although I was in favor of the illiteracy test (and undertook to indorse it in my last annual report), I am not at all sure it goes far enough in restricting immigration of the class against which it is especially directed. At any rate, I am clearly of the opinion that the restriction of immigration of the physically, mentally, and morally unsound should be made more thorough, as has been repeatedly suggested in my annual reports. The physical standard for male aliens who are to do manual labor should be raised to approximate that enforced by the Army and Navy in securing recruits. It should also be possible for the United States authorities to exercise a wide discretion with regard to the admission or rejection of large numbers of aliens who, for reasons existing at the time of application or in the locality where the aliens propose to go, would be an undesirable addition to the population on economic grounds.

However, in my opinion, the best suggestion that has yet been made regarding the further restriction of immigration is that recently proposed as a substitute for the illiteracy test; although I can see no reason why the illiteracy test should not be placed in the law simultaneously with it. The suggestion in question is that the number of aliens of any nationality, exclusive of temporary visitors, admitted to the United States in any fiscal year should be required by law not to exceed 10 per cent of the number of persons of such nationality resident in the United States at the time the next preceding census was taken, but the minimum number of any nationality admissible in any fiscal year should be not less than 5,000. It is not contemplated that this provision shall apply to Canada, Newfoundland, Mexico, or Cuba. Nationality under this plan would be determined by country of birth, and colonies and dependencies would be regarded as separate countries. If there had been admitted from any particular country its yearly quota, all aliens of that nationality thereafter applying would be rejected unless it should be shown that they were returning from a temporary visit, or were coming to join near relatives, or were members of clearly defined professional and business classes.

Analysis of the statistics of foreign population given in the last census and a comparison of the figures representing 10 per cent, respectively, of the various nationalities concerned with immigration statistics, showing average annual immigration for the 10 years 1903 to 1912, inclusive, indicates some very interesting results that would flow from the adoption of this suggestion, and it is apparent that in the main the reduction in immigration that would be accomplished would be constituted of reductions from countries of southern and eastern Europe and western Asia. Thus under this plan 134,312 Italians could come annually, while the average number per year during the past decade has been 207,152; from Austria-Hungary, 167,053 could come, against an annual average for the past decade of 219,782; from Greece, 10,128, against 20,118; from Turkey in Europe, 5,000, against 10,832. On the other hand, 250,133 natives of Germany would be entitled to come annually, while the average annual immigration of such people during the past decade has been only 35,139; Denmark could send 18,165, compared with 6,971 that have been coming; and the United Kingdom would be allowed a maximum of 257,353, against 95,826.

After four and a half years' connection with the Immigration Service, I feel that, while of course somewhat more could be accomplished toward keeping out the undesirable if more money and more inspectors and doctors were available, no very considerable increase in rejections can be expected unless and until the law is materially improved and strengthened. I have been interested and somewhat amused to observe in the public press statements asserting or predicting that since the Immigration Service has been placed under the new Department of Labor the law will be much more rigidly enforced than heretofore—suggestions which usually carry an imputation of unfairness. The truth of the matter is that the maximum percentage of rejections possible under existing law is so small that, no matter what the desires of administrative officers might be, it is not possible materially to increase rejections. My term of service has covered three months of the new administration. I feel perfectly sure that the Secretary of Labor will administer the immigration law in a thorough and fair manner, and will wherever proper temper justice with mercy. In this connection it is interesting to note that the figures for the several months last past show that the percentage of rejections is lower than that shown for the same months of the previous year.

The Immigration Service is thoroughly and efficiently organized, and its employees quite generally are of a very high grade and will compare favorably with those in any other branch of the Government service, notwithstanding they are charged with the performance of very difficult duties, which involve the handling of human beings and the application to concrete cases, often of a very complicated nature, of the various provisions of the laws on immigration. It has indeed been a great pleasure to me to be associated as commissioner general with an organization of such excellence, the personnel of which I have learned to respect and honor for their sterling qualities.

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